

560.13 Brownfields Grant Program – Wisconsin Statutes

Unofficial text (See printed volume)

560.13 Brownfields grant program. (1) In this section:

(a) “Brownfields” means abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

(b) “Brownfields redevelopment” means any work or under-taking by a person to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate or rehabilitate the facility or existing buildings, structures or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial or other purposes. “Brownfields redevelopment” does not include construction of new facilities on the site for any purpose other than environmental remediation activities.

(d) “Environmental remediation activities” means investigation, analysis and monitoring of a brownfields facility or site to determine the existence and extent of actual or potential environmental pollution; abating, removing or containing environmental pollution at a brownfields facility or site; or restoring soil or groundwater at a brownfields facility or site.

(g) “Person” means an individual, partnership, limited liability company, corporation, nonprofit organization, city village, town, county, or trustee, including a trustee in bankruptcy.

(2) (a) Subject to subs. (4) and (5), from the appropriations under s. 20.143 (1) (br) and (qm) the department may make a grant to a person if all of the following apply:

1. The recipient uses the grant proceeds for brownfields redevelopment or associated environmental remediation activities.

1m. The recipient does not use the grant proceeds to pay lien claims to the department of natural resources or the federal environmental protection agency based on investigation or remediation activities of the department of natural resources or the federal environmental protection agency or to pay delinquent real estate taxes or interest or penalties that relate to those taxes.

2. All of the following are unknown, cannot be located or are financially unable to pay the cost of brownfields redevelopment or associated environmental remediation activities.

a. The party that caused the portion of the environmental contamination that is the basis for the grant request.

b. Any person who possessed or controlled the environmental contaminant that is the basis for the grant request before the contaminant was released.

3. The recipient contributes to the cost of the project as provided in par. (b).

(b) 1. The contribution required under par. (a) 3. may be in cash or in-kind. Cash contributions may be of private or public funds, excluding funds obtained under the program under s. 560.17 or under any program under subch. V or VII

of this chapter. In-kind contributions shall be limited to actual remediation services.

2. For a grant that does not exceed \$300,000, the recipient shall be required to contribute not less than 20% of the cost of the project. For a grant that is greater than \$300,000 but that does not exceed \$700,000, the recipient shall be required to contribute not less than 35% of the cost of the project. For a grant that is greater than \$700,000 but that does not exceed \$1,250,000, the recipient shall be required to contribute not less than 50% of the cost of the project.

(3) (a) The department shall award grants under this section on the basis of the following criteria:

1. The potential of the project to promote economic development in the area.

2. Whether the project will have a positive effect on the environment.

3. The amount and quality of the recipient’s contribution to the project.

4. The innovativeness of the recipient’s proposal for remediation and redevelopment.

(b) If possible, when making a determination under par. (a), the department shall accord a 50% weight to the criterion under par. (a) 1., a 25% weight to the criterion under par. (a) 2., a 15% weight to the criterion under par. (a) 3. and a 10% weight to the criterion under par. (a) 4.

(4) (b) The department may not award a grant that exceeds \$1,250,000.

(c) The department shall award at least 7 grants for projects that are located in municipalities with a population of less than 30,000.

(5) Before the department awards a grant under this section, the department shall consider the recommendations of the department of administration and the department of natural resources.

(6) The department shall promulgate rules that establish criteria, within the guidelines under subs. (2) and (3), for awarding grants under this section, including the circumstances under which grant proceeds may be used for assessment services.

(6m) Receipt of a grant under this section shall not render the recipient ineligible for a loan or any other grant awarded by the state, unless under the eligibility criteria of the loan or other grant the recipient is excluded by virtue of having received the grant.

(7) On or before December 31, 1998, and annually thereafter, the department shall submit a report on the effectiveness of the program under this section to the legislature under s. 13.172 (2) and to the governor and the department of administration.

History: 1997 a. 27; 1999 a. 9.